

From: [Bainbridge Defense Fund](#)
To: [*Bainbridge Defense Fund](#)
Subject: SMP - Bainbridge"s SMP is excessive
Date: Thursday, August 29, 2013 12:26:58 AM

From: Linda Young lawfulpatterns@msn.com

Email from a friend of mine and a Shoreline Homeowner to the DOE

August 20, 2013

Barbara Nightingale
Washington State Department of Ecology
Northwest Regional Office
3190 – 160th Avenue SE
Bellevue, WA 98008
(425) 649-4309

Dear Ms. Nightingale,

For many, many months, several dedicated citizens of Bainbridge Island have expended an immense amount of energy studying SMP-related issues. We believe that the Bainbridge Island proposed SMP update that DOE is now reviewing is excessive with respect to scope, complexity, & restrictions on the use of shoreline residential properties. Sadly, it was city-council-approved by a vote of 4-3.

We urge you to reject proposed SMP update elements that exceed DOE SMP guidelines & return it to the City of Bainbridge Island for significant revision.

The reasoning behind our plea to you personally & to DOE generally includes:

... We are very concerned about the health of waterways in Washington State & wholeheartedly support the overall balanced objectives of the SMP state law. As owners of a residential shoreline property, we certainly do not want to unnecessarily compromise the quality of life for any flora or fauna (including humans) near, on, or in Puget Sound. We enjoy our retirement life at home & in our garden, including sharing it with a plethora of insects, mammals, birds, & marine life on or near our property. Even during severe storm conditions, the landscaping on our property effectively slows any runoff from it to the Sound, & even slows some public street runoff. We have a state-of-the-art, dual-sand-filter septic system that is inspected annually.

... By state statute, private residential use of shorelines is a "preferred use". We agree. COBI's SMP update proposal greatly restricts that use in several unbalanced ways. Some would say that its long term objective is to eliminate all residential use from Bainbridge Island shorelines. Increased buffers, required plantings, buildings/bulkhead/dock/use/view restrictions, replacement rules, retroactive non-

conformity, associated fees, costs, delays, uncertainty for permits, and highly questionable environmentally justified mitigations definitely will devalue all Bainbridge Island residential shoreline properties. Unfortunately, any improvement to Puget Sound's shoreline environment will be very marginal at best.

... We are perplexed with the over emphasis on restricting residential use of shorelines when that use must be very near the bottom of all concerns for the health of the state's waterways. Overfishing has long been recognized as a significant cause of the reduction for some species. Statewide, great progress continues to be made to improve industrial & agricultural pollution of Washington waters. Existing city & county SMPs significantly address other uses of shorelines. At least on Bainbridge Island, there is little evidence that street, storm water & other undesirable upland runoff from private & public properties is being improved much at all. We believe that upland runoff is many times more deleterious to the health of the Sound than the summed effects of all shoreline residential properties combined.

... If applicable at all, the science used in an attempt to justify much of the COBI SMP update proposal is very suspect. Any correlation between additional SMP restrictions to residential use of shoreline properties & benefits to the shoreline and/or to Puget Sound is exceedingly weak, and may in some cases be negative.

... Many aspects of the COBI SMP update far exceed DOE guidelines. If approved by DOE without modification, it will almost assuredly expose the COBI & DOE to years of very costly and highly contentious land use legal challenges. Without a robust science-based environmental benefit for the shoreline, please do not expose individuals and the public to such unproductive & expensive court cases. We have heard some advocates of COBI's proposed SMP update explain their support by using the precautionary principle which says that if not confident that a new regulation will actually benefit the environment, one should error on the side of being overly cautious anyway. We suggest that a fiduciary precautionary principle should be applied as well. Please do not approve new regulations that have a high probability of significant unproductive expenses to COBI, DOE, & individual citizens.

... In addition to many other excesses, the entire Chapter 7 of the update appears draconian and significantly outside the jurisdiction & intent of Washington State SMP statutes. It seems that an SMP permit would be needed by any shoreline property owner before a weed could be pulled or a broken window repaired. Severe financial penalties & possible jail time are threatened for failing to do so. Chapter 7 was added to COBI's submittal after all public reviews of the proposal. Uncertainty of "discretionary" decisions from city staff is definitely another area of concern, which will likely lead to further contentiousness.

... The development of the COBI SMP proposed update has already driven much discord amongst the citizens of our community. It is very disheartening for us to see these schisms, especially since almost all of us enthusiastically support the objective of environmental stewardship for Washington State's shorelines & waterways.

Once again, we urge you to reject the proposed SMP update

elements that exceed DOE SMP guidelines & return it to the City of Bainbridge Island for significant revision.

- A Shoreline Homeowner-